IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT APPEAL NO : 770 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 03/02/2005 in WP NO : 14962 OF 2004 on the file of the High Court.)

Between:

Mohd. Naseeruddin, S/o.Bashiruddin,
R/o.Shalibanda Road, Hyderabad.

..... APPELLANT

AND

1 The Acharya N.G.Ranga Agricultural University, rep.by its

Registrar, Rajendranagar, Rangareddy District.
2 The Radio Tracer, Agriculture Chemist, Agriculture Research Institute,

Acharya N.G.Ranga Agriculture University,
Rajendranagar, Rangareddy District.

.....RESPONDENTS

Counsel for the Appellant:MR.M.RAMA RAO

Counsel for Respondents 1 and 2: MR.B.SIVA REDDY

The Court at the stage of admission made the following

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JUDGMENT:(Per Hon'ble Sri Justice L.Narasimha Reddy)

This writ appeal is filed against the order dated 03-02-2005 in W.P.No.14962 of 2004.

The appellant was employed in the A.P. Animal Husbandry Department and was posted with the second respondent. He remained absent from 12-06-1998 to 12-01-1999. According to him, he reported to duty on 13-01-1999 on recovery from ill health, but he was not permitted to join duty; until 25-08-2000. He filed W.P.No.14962 of 2004 seeking a direction to the respondents to pay the arrears of salary from 13-01-1999 to 25-08-2000. The learned single Judge dismissed the writ petition.

Sri M.Rama Rao, the learned counsel for the appellant submits that though the petitioner reported to duty on 13-01-1999, he was not permitted to join the duty. He further submits that without there being any basis, the second respondent made him to wait till 25-08-2000 and in that view of the matter, the appellant is entitled to be paid the salary for that period.

Sri B.Siva Reddy, the learned counsel for the respondents, on the other hand, submits that the appellant remained absent unauthorisedly from 12-06-1998. He further submits that except making an application and seeking extension of the leave, the appellant did not verify as to whether any leave was sanctioned at all. He contends that having regard to the unauthorized absence for several months, the second respondent was left with no alternative except to seek for the instructions

from the first respondent-University. He urges that the University has in fact taken a lenient view, in permitting the petitioner to join the duty, whereas it could have initiated disciplinary proceedings.

It is not in dispute that the appellant remained absent from 12-06-1998. It is not his case that the respondents have sanctioned leave up to 13-01-1999, on which date he is said to have reported to duty. No employee can claim leave as of right, that too, running to several months. Absence for such a long period would certainly cripple the functioning of any organization.

When the appellant had reported to duty on 13-01-1999, the second respondent took necessary steps to seek instructions from the first respondent, the principal employer. It is but natural that the respondents were required to verify the questions, such as whether the appellant had applied for any leave, whether it was granted and whether there existed such a long leave to his credit. Verification of those matters, naturally takes some time. The appellant cannot expect the respondents to move swiftly, just to suit his convenience. It is not his exclusive prerogative, to remain absent unauthorisedly for months together, and then to join service at his discretion. It also needs to be observed that if the appellant was aggrieved by the inaction on the part of the respondents in permitting him to join duty, it was open to him to take recourse to law, such as by approaching the Court or by taking the matter to the notice of the superior authorities. He did not choose to do so.

In that view of the matter, no exception can be taken to the action of the respondents in denying the salary for the period from 13-01-1999 to 25-08-2000. The matter has been examined from various angles by the learned Single Judge and the writ petition was dismissed. We do not find any basis to interfere with the order under appeal.

Hence, the writ appeal is dismissed. There shall be no order as to costs.

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T.MEENA KUMARI,J

Dt:05-04-2005

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L.NARASIMHA REDDY,J

Kdl/nn

To

1. The Registrar, Acharya N.G.Ranga Agricultural University, Rajendranagar, Rangareddy District.

2.2 CD copies

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